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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL J. WEBSTER,

Defendant.

**UNITED STATES' POSITION  
REGARDING DETENTION**

Case No. 1:22cr68 DS

Hon. Daphne Oberg

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☐ The United States is not seeking detention.

☒ The United States moves for detention based on current information. The United States' positions in this preliminary pleading could change after reviewing the Pretrial Report or learning of additional evidence. The United States reserves the right to assert positions even if the boxes next to those positions are not checked below, raise additional arguments, and file additional pleadings in support of detention. The United States' motion for detention is:

☐ Pursuant to 18 U.S.C. § 3142(f)(1) because defendant is charged with:

☐ **(A)** a crime of violence (*see* 18 U.S.C. § 3156(a)(4)), a violation of 18 U.S.C. § 1591 (sex trafficking of children), or an offense under § 2332b(g)(5)(B) (specific enumerated crimes) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**

☐ **(B)** an offense for which the maximum sentence is life imprisonment or death;  
**or**

- ☐ (C) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
- ☐ (D) any felony if the defendant has been convicted of two or more offenses described in (a) through (c) above, or two or more State or local offenses that would have been offenses described in (a) through (c) above if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
- ☐ (E) any felony that is not otherwise a crime of violence but involves: (i) a minor victim; (ii) the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250;

**OR**

☒ Pursuant to 18 U.S.C. § 3142(f)(2) because the case involves:

- ☒ (A) a serious risk the defendant has will flee; **or**

The United States notes that Mr. Webster has noted in state court pleadings related to a related pending state case that he suffers from depression and anxiety. The United States contends this raises concerns he may be a risk of nonappearance.<sup>1</sup>

- ☒ (B) a serious risk the defendant will obstruct or attempt to obstruct justice, or threaten, injure, intimidate, attempt to threaten, injure or intimidate a prospective witness or juror.

As discussed below, the United States contends that Mr. Webster has sophisticated knowledge of computers and has the ability to hide and mask any internet usage in a manner that could not be monitored by the Probation Office. The United States also contends that Mr. Webster has posted threats involving threats to injure or harm those to those who viewed his videos online. These individuals may be witnesses in this case.

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<sup>1</sup> Several courts have considered a risk of suicide as a form of flight. See *United States v. Cody*, 498 F.3d 582, 592 (6th Cir.2007) (“suicide is a form of flight”); *Tug Raven v. Trexler*, 419 F.2d 536, 543 (4th Cir.1969), *cert. denied*, 398 U.S. 938, 90 S.Ct. 1843, 26 L.Ed.2d 271 (1970); *United States v. Metz*, No. 12-M-01193-JJM, 2012 WL 6632501, at \*4 (W.D.N.Y. Dec. 12, 2012)

The United States believe the evidence discussed below establishes by a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required. 18 U.S.C. § 3142(f); *United States v. Cisneros*, 328 F.3d 610, 616 (10<sup>th</sup> Cir. 2003).

### Procedure

The defendant may seek a continuance of the detention hearing of up to five days, and the United States may seek a continuance of up to three days. 18 U.S.C. § 3142(f). During any such continuance, the defendant shall be detained. *Id.* The rules concerning the admissibility of evidence do not apply at the detention hearing. *Id.* The United States has the burden of persuasion by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community or by a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required. *Id.*; *United States v. Cisneros*, 328 F.3d 610, 616 (10<sup>th</sup> Cir. 2003).

### Rebuttable Presumption

- ☐ A rebuttable presumption applies and the defendant bears the burden to produce some credible evidence to rebut this presumption. The United States acknowledges that it retains the burden of persuasion. The statutory presumption applies:
  - ☐ Pursuant to 18 U.S.C. § 3142(e)(2) (*previous violator*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because:
    - (A) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; *and*
    - (B) the defendant committed that offense while on release pending trial for a Federal, State, or local offense; *and*
    - (C) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for that, whichever is later.
  - ☐ Pursuant to 18 U.S.C. § 3142(e)(3) (*narcotics, firearm, other offenses*): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of

the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (A) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (B) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ (C) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 or more is prescribed;
- ☐ (D) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- ☐ (E) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

### **Factors to Be Considered**

The United States may present arguments, proffer evidence, or provide testimony at the scheduled detention hearing supporting the detention of the defendant including, but not limited to:

- ☒ The nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm or destructive device. (18 U.S.C. § 3142(g)(1)).

The nature and circumstances of this case have been outlined in the indictment in this case in [Docket No. 1](#).

Additional circumstances related to this offense include:

In March 2021, Discord disabled two of Mr. Webster's accounts. Discord disabled the first account due to posting content that sexualized individuals under the age of 18 or being involved with servers dedicated to such unacceptable content. Discord disabled the second account due to his posting of gore, animal cruelty or other content intended to shock others.

Discord is a chat application that is geared towards having digital places to gather and socialize. Discord has an age restriction of thirteen years and older. Discord does allow sharing of pornography if the post is tagged as “NSFW.”

Also, in March 2021, his Facebook account was disabled. Facebook determined that his Facebook account “or activity on it, doesn’t follow our Community Standards.”

During May 2021, Mr. Webster took photos of a number of dead animals including, a dead squirrel, two photos of decomposing sheep, a dead rodent, and another photo of decomposing animals.

In June 2021, in a chat message, Mr. Webster stated, “Apologize in a better way or I will gut u like a pig ALIVE.”

During July 2021, he researched, “where to buy guinea pigs.”

In August 2021, Mr. Webster installed DuckDuckGoMobile, a privacy-focused web browser. DuckDuckGo advertises features like “search the web without being tracked,” and “clear your tabs and browsing date with one tap....”.

In August 2021, cookie data suggested he had visited the following domains:

- Rapelust.com
- Rape-tube.me
- Rapetube.me
- Therapesex.com

In August 2021, he web searched:

- “where to buy live feeding mice.”

In September 2021 he web searched:

- “how much is a hamster at a pet store”
- “where to get a bunny”

In September 2021 a Petco receipt indicated that he bought a female mouse.

In October 2021 he web searched:

- Quora.com/is-killing-guinea-pigs-illegal

- “killing and torture a guinea pig”
- Washingtonpost.com – story of Michigan lacrosse players charged with killing, torturing a guinea pig.
- Utah Divisions of Wildlife Resources’ Administrative Rule R657-3 – Collection, importation, possession. This Rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.

Forensic review recovered a cached image of a You Tube video titled, “PIGLETS IN AGONZING PAIN.”

On October 15, 2021 Mr. Webster web searched:

- “zoosadism definition”
- Zoosadism – APA Dictionary of Psychology.<sup>2</sup>

On October 16, 2021, Mr. Webster purchased a male guinea pig. He also purchased one more male and two female guinea pigs on October 23, 2021, and October 25, 2021 at two different store locations in Utah.

On October 26, 2021, an image was captured of open web browser tabs on Mr. Webster’s phone, which included a Yandex.com search for “omegle porn.”<sup>3</sup> Yandex is the most used search engine in Russia. Yandex is also a major vector for the spread of child pornography online.<sup>4</sup>

On October 26, 2021, the image of Mr. Webster’s open browser tabs on his phone also included:

- “Gettyimages.com.au” and a search for “Little Boy Penis.”

On October 28, 2021, Woods Cross Police Department arrested Mr. Webster. Photos taken of the scene at the time of arrest, showed a 2 TB hard drive and what appeared to be a tablet device. Law enforcement did not seize these two pieces of digital media at that time.

Also on October 28, 2021, two close adult relatives who resided with Mr. Webster

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<sup>2</sup> <https://dictionary.apa.org/zoosadism>, “. . . a **paraphilia** in which sexual arousal and satisfaction are obtained from torturing a nonhuman animal. This may occur during direct sexual contact with the animal, or the person may masturbate later, using memories of the event as masturbatory fantasies.”

<sup>3</sup> Omegle is a chat site that does not have a robust moderation feature or a registration of age verification. It has been used frequently by online predators. <https://www.internetmatters.org/hub/news-blogs/what-is-omegle-what-parents-need-to-know/>.

<sup>4</sup> <https://fortune.com/2020/01/17/yandex-russia-search-engine-child-exploitation-sexual-imagery/>

told law enforcement that they had not observed Mr. Webster with any guinea pigs. They mentioned that Mr. Webster told them he had found a vole and killed it recently. They stated they did not find this unusual as one of the adults had observed voles in their yard previously.

Since his release on these state charges, Mr. Webster has had access to the internet. Some of his ongoing internet activity included:

On November 3, 2021, a verification email from “like4like.org” – a bot service to boost social media pages confirming his username: rapechild.

His web searches since his arrest include a number of searches related to how to find various animals in the game “red dead redemption 2.” Red Dead Redemption 2 is a survival game.

In March 2022, subsequent search warrants of Mr. Webster’s former residence and his current residence did not recover the 2 TB hard drive or tablet seen in the October 2021 photographs.

Forensic review of Mr. Webster’s cellular phone seized on October 28, 2021, revealed nine cached images depicting human torture.

☒ The weight of evidence against the defendant. (18 U.S.C. § 3142(g)(2)).

The weight against the defendant is strong, the United States has recordings of the videos charged, receipts related to the purchase of the guinea pigs, and forensic evidence from Mr. Webster’s cell phone, gmail and you tube accounts that identify him as both the creator and poster of the videos. Further, in some of the videos portions of Mr. Webster’s face is visible. The background of the videos shows Mr. Webster’s residence at the time of the posting of the videos.

☒ The history and characteristics of the defendant including the defendant’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history and record concerning court proceedings. (18 U.S.C. § 3142(g)(3)(A)).

In March 2022, Mr. Webster filed a motion for a competency evaluation in his pending related state court case. In this motion he has indicated he suffers from depression and anxiety. This depression may present a risk of his nonappearance for future hearings.

As indicated in the indictment and discussed above, Mr. Webster's digital media contains significant evidence that he has a sophisticated knowledge of computers and how online illegal conduct may be monitored and detected. He used internet tools such as Yandex, Discord, Omegle, and DuckDuckGo to hide his web activities from those who might detect his illegal conduct.

Mr. Webster demonstrated a quick, nimble and sophisticated ability to adapt and change his various media accounts when banned by the platforms he used to post his illegal videos. He also demonstrated this same ability to hide his internet searches.

Mr. Webster demonstrated a knowledge of Omegle, a site frequently used by online predators because of its weak moderation features that might detect criminal activity.

In March 2022, a search for two items of digital media, a large 2 TB hard drive and a tablet seen in Mr. Webster's residence in October 2021, uncovered neither device.

Mr. Webster hid his purchase of four guinea pigs and their subsequent torture and slaughter from his close family members for several days. The videos charged contain audio of the guinea pigs suffering at the hands of Mr. Webster. This conduct demonstrates Mr. Webster's ability to obstruct discovery of his illegal conduct from even those closest to him.

As outlined in the indictment, Mr. Webster responded with threats to those who commented on his violent videos. These individuals who observed and commented on his videos may be witnesses in this case should he proceed to trial. Mr. Webster posted comments such as:

- "killing and torture is my favorite activity"
- "don't worry! I'll find you eventually!"
- "somebody help me before I kill everyone else"
- "Well you'll be really excited when I show up by your door step"
- "I have a bunch of people already on my list, but I guess I can add you too"

- “You don’t understand my satisfaction....Torture is like a drug to me, it’s very addicting. Hearing the scream of pain is so satisfying. We are disguised as lambs and yet we all have a tiger inside us. Predators kill there prey mostly by using torture, because it is easier to catch their prey. So I don’t just throw these pathetic domestic pigs in the trash lol. I eat guinea pig meat daily, it’s amazing! I also cut their heads off to make dolls out of them. I really urge you to try it for yourself.”
- “Lol u can’t delete a comment like that đỖ. I’ll be at your house in a week.

Though Mr. Webster no longer resides at his prior residence, Mr. Webster has minor siblings and family members who may be witnesses in this case.

- ☐ Whether, at time of the current offense or arrest, the defendant was on probation, parole, or other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law. (18 U.S.C. § 3142(g)(3)(B)).
- ☒ The nature and seriousness of danger to any person or to the community that would be posed by the defendant’s release. (18 U.S.C. § 3142(g)(4)).

As outline above and in the indictment, Mr. Webster presents a danger to the community due to his violent behavior towards animals and his on-line threats. His charges involve gruesome acts of violence that demonstrate cold-hearted cruelty. This crime involved an intentional act that involved days of abuse and a meticulous creation of dozens of violent videos clips.

Research has shown that animal cruelty is predictive or co-occurring with violence against humans, including intimate partners, children and elders.<sup>5</sup> One study found

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<sup>5</sup> <https://leb.fbi.gov/articles/featured-articles/the-link-between-animal-cruelty-and-human-violence>; (citing *Phil Arkow, “Recognizing and Responding to Cases of Suspected Animal Cruelty, Abuse, and Neglect: What the Veterinarian Needs to Know,”* *Veterinary Medicine: Research and Reports*, no. 6 (November 2015): 349-359, accessed January 26, 2021, <http://dx.doi.org/10.2147/VMRR.S87198>. *See also*, Catherine A. Faver and Elizabeth B. Strand, “Domestic Violence and Animal Cruelty: Untangling the Web of Abuse,” *Journal of Social Work Education* 39, no. 2 (2003): 237-253, accessed January 26, 2021, <https://doi.org/10.1080/10437797.2003.10779134>; Arnold Arluke et al., “The Relationship of Animal Abuse to Violence and Other Forms of Antisocial

that “people who abuse animals are five times more likely to commit violent acts against humans.”<sup>6</sup> The large quantity and deliberate production and distribution of the violent videos in this matter demonstrate that Mr. Webster presents a danger to both animals and humans within the community.

- ☐ The defendant’s lack of legal status in the United States. The defendant’s legal status is:
- ☐ How the defendant would be subject to removal or deportation after serving a period of incarceration.
- ☐ The defendant’s significant family or other ties outside of the United States.
- ☒ The defendant’s use of aliases or false documents.

Mr. Webster used aliases and fake names in his postings.

- ☐ The defendant’s prior attempts to evade law enforcement.
- ☐ How the defendant’s proposed residence, employment, or proposed treatment programs have not been verified.
- ☐ The defendant’s prior failures to appear for court proceedings.
- ☒ Other reasons including:

Mr. Webster has related charges pending in Davis County in case # 211701973.

On March 24, 2022, Mr. Webster has filed a motion for a competency evaluation in that case contending that he suffers from depression, anxiety, and diminished cognitive capacity.

### **Victim Notification**

- ☐ The United States has notified any identified victim, or attempted to do so, pursuant to 18 U.S.C. § 3771.

The victims in this case are animals, and Mr. Webster presents a risk to all animals.

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Behavior,” *Journal of Interpersonal Violence* 14, no. 9 (September 1999): 963-975, accessed January 26, 2021, <https://doi.org/10.1177/088626099014009004>; National Link Coalition, *The Link Between Violence to People and Violence to Animals* (Stratford, NJ: National Link Coalition), accessed January 26, 2021, <https://nationallinkcoalition.org/wp-content/uploads/2013/01/LinkSummaryBooklet-16pp.pdf>.

<sup>6</sup> Jared Squires, *The Link Between Animal Cruelty and Human Violence: Children Caught in the Middle*, 8 *Ky. Child. Rts. J.* 2, 2 (2000).

- ☐ The victim in this matter seeks a no contact order.
- ☒ This matter does not involve a victim requiring notification.

DATED this 3<sup>rd</sup> day of June, 2022

*/s/ Karin M. Fojtik*

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